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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/614,796

07/09/2003

Takashi Yano

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EXAMINER

PATEL, AJIT

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/614,796 | <b>Applicant(s)</b><br>YANO ET AL. |  |
|                              | <b>Examiner</b><br>AJIT G. PATEL     | <b>Art Unit</b><br>2616            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claim 2 is objected to because of the following informalities: In line 5, "/" after "said should be deleted. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-21 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art (pages 1-15 of the specification, figs. 9-14).

Regarding claims 2,9,15, the admitted prior art incorporating steps of transmitting, from said base station, a first signal via a first channel (lines 14-25 of page 8); receiving, at a mobile terminal in said spread spectrum communication system, said first signal and measuring said received first signal (line 25-28 of page 5; lines 1-21 of page 6); transmitting, from said mobile terminal, a second signal to said base station generated according to said measured first signal (lines 22-27 of page 6; lines 1-6 of page 7); and receiving, at said base station, said second signal, and controlling, based on said second signal, a third signal which is to be transmitted to said mobile terminal from said base station via a second channel (lines 13-28 of page 7).

Regarding claims 3,10, the admitted prior art disclose wherein said first signal is spread using a first spreading code ( $W_0$  of fig. 13), and said third signal is spread using a second spreading code ( $W_1$  of fig. 13).

Regarding claims 4,11,17, the admitted prior art discloses wherein said mobile station evaluates reception condition of said first signal (lines 10-16 of page 10).

Regarding claims 5,18, the admitted prior art discloses wherein said base station transmits said first signal with a constant transmission power (the pilot signal having a constant transmission power).

Regarding claims 6,12, the admitted prior art discloses wherein said base station controls transmission power of said third signal based on said second signal (lines 10-16 of page 10).

Regarding claims 7,13,20, the admitted prior art discloses wherein said first signal is a pilot signal (104 of fig. 13).

Regarding claims 8,14,21, the admitted prior art discloses wherein said second channel is transmitted together with said first channel (the Pilot signal and the power control signal in fig. 13 are spread with two different code which is transmitted together with first and second channels).

Regarding claim 16, the admitted prior art discloses wherein said reception unit comprises: a first despreader (305 of fig. 12) for despreading said first signal using a first spreading code; and a second despreader (306 of fig. 12) for despreading said second signal unit a second spreading code.

Regarding claim 19, the admitted prior art discloses wherein transmission power of said second signal is controlled based on said third signal (lines 10-16 of page 10).

3. Applicant's arguments with respect to claims 2-21 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY- FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**Ajit Patel**  
**Primary Examiner**